

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

TIMOTHY MATTHEWS, )  
 )  
Plaintiff, )  
 )  
v. ) Civ. No. 06-330-GMS  
 )  
MOUNTAIRE FARMS OF DELAWARE, )  
 )  
Defendant. )

ORDER

At Wilmington, this 26<sup>th</sup> day of July, 2006;

IT IS ORDERED:

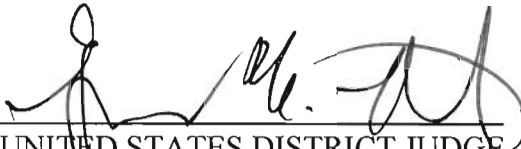
1. The plaintiff's motion for council [sic] (D.I. 4) is denied without prejudice, with leave to refile following service of the complaint. *See Ray v. Robinson*, 640 F.2d 474, 477 (3d Cir. 1981); *Smith-Bey v. Petsock*, 741 F.2d 22, 26 (3d Cir. 1984)

2. Pursuant to Fed. R. Civ. P. 4(c)(2) and (d)(2), the plaintiff shall complete and return to the clerk of the court an **original** "U.S. Marshal-285" form for the **defendant**. **The plaintiff has provided the court with one copy of the complaint (D.I. 2) for service upon the defendant. The plaintiff is notified that the United States Marshal will not serve the complaint until all "U.S. Marshal 285" forms with copies of the complaint have been received by the clerk of the court. Failure to provide a "U.S. Marshal 285" form for the defendant within 120 days of the date of this order may result in the complaint being dismissed or the defendant being dismissed pursuant to Fed. R. Civ. P. 4(m).**

3. Upon receipt of the completed "U.S. Marshal 285" form(s) and copies of the complaint, the United States Marshal shall serve a copy of the complaint and this order upon the

defendant as directed by the plaintiff. All costs of service shall be advanced by the United States.

4. No communication, including pleadings, briefs, statement of position, etc., will be considered by the court in this civil action unless the documents reflect proof of service upon the parties or their counsel.



UNITED STATES DISTRICT JUDGE